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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

1 Thomas L. Sansonetti, Assistant Attorney General
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3 United States Department of Justice
4 Environment and Natural Resources Division
5 Policy, Legislation and Special Litigation Section
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11 ATTORNEY FOR THE UNITED STATES

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF OHIO
14 WESTERN DIVISION

15 KAREN A. ARNETT, et al.,

16 Plaintiffs,

17 v.

18 WILLARD INDUSTRIES, INC.,

19 Defendant.

Case No. C-1-02-87

(Judge S. Arthur Spiegel)
(Magistrate Judge Hogan)

20 **Notice of Review of Proposed Consent Decree**

21
22 On December 8, 2003, the Attorney General of the United States received a
23 copy of the proposed consent judgment in the above-referenced case for review
24 pursuant to section 304(c)(3) of the CAA, 42 U.S.C. § 7604(c)(3). This provision
25 provides, in relevant part:
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1 No consent judgment shall be entered in any action
2 in which the United States is not a party prior to 45
3 days following the receipt of a copy of the proposed
4 consent judgment by the Attorney General and the
5 Administrator.

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7 The United States is currently reviewing the proposed consent judgment.
8 Meanwhile, the United States affirms for the record that, under prevailing law, it is
9 not bound by this settlement. See, e.g., Martin v. Wilks, 490 U.S. 755, 762 (1989)
10 ("A judgment or decree among parties to a lawsuit resolves issues as among them, but
11 it does not conclude the rights of strangers to those proceedings"); Hawthorn v.
12 Lovorn, 457 U.S. 255, 268 n.23 (1982) (Attorney General is not bound by cases to
13 which he was not a party); see also United States v. Atlas Powder, 26 Env't Rep. Cas.
14 (BNA) 1391 (E.D. Pa. 1987) ("The United States is not bound by settlement
15 agreements or judgments in cases to which it is not a party").

16 If a final consent judgment is entered in this case, the United States requests
17 that the undersigned, and Ms. Sandra Doyle (address below), be served with a
18 signed copy. In addition, any penalties required to be paid pursuant to the judgment
19 should be made by check payable to the "United States Treasury" and delivered to:

20
21 Ms. Sandra Doyle
22 Debt Collection Specialist
23 Executive Office
24 Environment & Natural Resources Division
25 U.S. Department of Justice
26 P.O. Box 7754
27 Washington, D.C. 20044-7754
28


29 If the United States has additional comments on the proposed consent
30 judgment, they will be provided to the court and counsel of record by January 19,

1 2004.^{1/}

2 The United States also notes that, if the parties subsequently propose to modify
3 any final consent judgment entered in this case, the parties should so notify the
4 United States, and provide the United States with a copy of the proposed
5 modifications, forty-five days before the court enters any such modifications. See 42
6 U.S.C. § 7604(c)(3).

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8 Respectfully submitted,

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10 THOMAS L. SANSONETTI
11 Assistant Attorney General

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14 PETER H. OPPENHEIMER, Attorney
15 United States Department of Justice
16 Environment & Natural Resources Division
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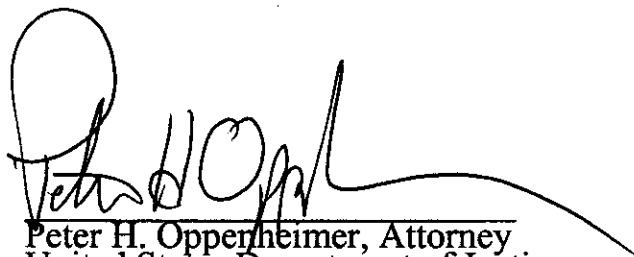
25 ^{1/} This date assumes that the Administrator of the Environmental Protection
26 Agency received a copy of the proposed consent judgment on or before the date it
27 was received by the Department of Justice. If the EPA received its copy later than
28 the Department of Justice (which would extend the date for comments), the United
States will inform the court and the parties.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Review of Proposed Consent Decree was sent this 10th day of December, 2003, by U.S. Mail to:

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Amy Jo Leonard
Lance D. Himes
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